



Kimley-Horn  
and Associates, Inc.

**ATTACHMENT NO. 1**

October 10, 2011

Mr. Donald F. Greeley, P.E., PLS  
Director  
Department of Water Management  
City of Durham  
101 City Hall Plaza  
Durham, NC 27701

■  
P. O. Box 33068  
Raleigh, North Carolina  
27636-3068

Re: **Scope for Professional Engineering Services  
for Amendment No. 2 Part A to the  
Angier Avenue 3 MG Elevated  
Water Storage Tank**

Dear Don:

Kimley-Horn and Associates, Inc. is pleased to submit our proposal for an increase in the project Scope of Services for Amendment No. 2 Part A. This Amendment focuses 100% on items associated with the project's Site Plan Approval process, Special Use Permit process, DPW-Development Review process and Board of Adjustment (BOA) hearings. Kimley-Horn has endeavored to address the repeated and constantly moving target of site plan and special use permit comments, responses and requests for additional information from the Durham City/County Planning Department and the multiple BOA preparation meetings and multiple BOA hearings. As you are acutely aware, this process has been a significant challenge for both your staff at Department of Water Management and us here at Kimley-Horn.

The "timing" of this Amendment No. 2 Part A was originally coordinated with and based on a suitable milestone date for account accuracy within our Corporate accounting system. The date of December 31, 2010 was the closeout of our financial year and provided us with the account history needed to provide the City with an accurate assessment of the project finances. However, as you also know there was an issue with the BOA hearings caused by the City's Planning Department, and the work continued until just recently when the subsequent BOA hearing took place and the project was finally approved to move forward.

### **SCOPE OF SERVICES**

The Scope of Services for Amendment No. 2 Part A consists of items of work that are not in our original scope of services for this project. Also, during the City's review of our Amendment No. 2 Part A, for the Additional Services fees submitted herein, we ask that you please keep the following factors in mind:



- In accordance with Exhibit A, Article A1.03(A)(2) of our Agreement:
  2. *Provide technical criteria, written descriptions, and design data for Owner's use in filing applications for permits from or approvals of governmental authorities having jurisdiction to review or approve the final design of the Project and assist Owner in consultations with appropriate authorities.*
- In accordance with Exhibit A, Article A2.01(A)(1) and A2.01(A)(11) of our Agreement:
  - A. *If authorized in writing by Owner, Engineer shall furnish or obtain from others Additional Services of the types listed below. These services will be paid for by Owner as indicated in Article 4 of the Agreement.*
    1. *Preparation of applications and supporting documents (in addition to those furnished under Basic Services) for private or governmental grants, loans or advances in connection with the Project; preparation or review of environmental assessments and impact statements; review and evaluation of the effects on the design requirements for the Project of any such statements and documents prepared by others; and assistance in obtaining approvals of authorities having jurisdiction over the anticipated environmental impact of the Project, including application fees for permits and regulatory submissions, plan approvals, or construction permit.*
    11. *Preparing for, coordinating with, participating in and responding to structured independent review processes, including, but not limited to, construction management, cost estimating, project peer review, value engineering, and constructability review requested by Owner; and performing or furnishing services required to revise studies, reports, Drawings, Specifications, or other Bidding Documents as a result of such review processes.*
- In accordance with Exhibit 1(A), Article B(5) and B(7) of our Agreement:
  5. *Prepare and submit construction documents and permit applications to FAA, NCDOT, DENR – Land Quality, and NCDENR – Public Water Supply for review and approval.*
  7. *Furnish sets of construction drawings and specifications in such quantities as may be required by the City for submission to State regulatory agencies and other review authorities, and the City's general use. Assist the City with necessary permit applications.*



- In accordance with Exhibit B, Article B(2.01)(H) of our Agreement:

*H. Provide reviews, approvals, and permits from all governmental authorities having jurisdiction to approve all phases of the Project designed or specified by Engineer and such reviews, approvals, and consents from others as may be necessary for completion of each phase of the Project.*

In our Scope of Services for this project our permitting efforts were intentionally limited to preparing and submitting construction documents and permit applications in accordance with Paragraph 5, hereinabove. This also included furnishing sets of construction drawings and specifications in such quantities as may be required by the City of Durham for submission to state regulatory agencies and other review authorities, the City's general use and for assisting the City with the necessary permit applications.

As you know, Kimley-Horn has endeavored to absorb as much of these additional permitting costs as we could under the original budget, but there is a limit to our ability to do this. To date, Kimley-Horn has spent a total of **\$86,752.14** on the additional permitting services described herein.

In accordance with the recent requested by the City, Table 1 illustrates the staff and fees associated with this additional services permitting process and Kimley-Horn herein requests reimbursement in that amount.

We greatly appreciate the opportunity to submit this revised Scope of Services to the City of Durham. We would be happy to answer any questions that you might have concerning our proposed fee.

Very truly yours,

**KIMLEY-HORN AND ASSOCIATES, INC.**

*Kevin F. Carter*

Kevin F. Carter, P.E.  
Senior Associate/Senior Project Manager

Cc: Sam O'Dell – KHA Accounting